

EXHIBIT A

Magee, Marcy D.

From: Magee, Marcy D.
Sent: Monday, September 15, 2014 10:01 AM
To: 'mark794@aol.com'
Cc: Johnson, Kimbrough
Subject: RE: Daniel Lovelace and Helen Lovelace, Individually, and as Parents of Brett Lovelace vs. Pediatric Anesthesiologists, P.A.; Babu Rao Paidipalli; and Mark P. Clemons; Case No. 2:13-cv-02289-dkv

Mark-

As I explained, my initial statement was in reference to the response to the Motion to exclude experts, which is absolutely what I thought you were referencing & which we had filed a response to on Aug. 25. I have explained my confusion as I had not previously seen the Motion you referenced in the order. Plus, there was confusion about the dates being discussed. It was an error on my part for which I have apologized after you explained & we investigated the matter. I appreciate you asking your clients to reopen the matter. We will seek permission from the court to file a response. I presume based upon the below that you won't be consenting. Therefore, I will proceed with filing it today. Again, I apologize for the mistake on my part. I would ask as a professional courtesy that you have your assistant send us courtesy copies via email or US mail to ensure I don't inadvertently miss pleadings in the future. I understand that this is not required & will agree to pay for any additional copying expenses. I believe we have been sending you courtesy copies already, and, will continue to do so unless directed otherwise.

Marcy

From: mark794@aol.com [mailto:mark794@aol.com]
Sent: Monday, September 15, 2014 9:50 AM
To: Magee, Marcy D.; Johnson, Kimbrough; bgilmer@hard-law.com; dcook@hard-law.com; kkoiplon@hard-law.com
Subject: Re: Daniel Lovelace and Helen Lovelace, Individually, and as Parents of Brett Lovelace vs. Pediatric Anesthesiologists, P.A.; Babu Rao Paidipalli; and Mark P. Clemons; Case No. 2:13-cv-02289-dkv

Marcy: I finally heard from my client over the weekend about this. She does not authorize me to reopen the matter, as she is aware of the circumstances and prior issues. We have negotiated in good faith in the matter, and believe that the case should be settled. I hear nothing from you about that, which, under my client's authority, leaves me no choice but to say we do not agree to reopen the matter.

Your original statement that the pleading was filed asserted an untrue statement and insinuated wrongdoing on my part. This may be a matter that warrants a look at the ethical rules, or by the Board, to say nothing of taking a look at fair dealing between parties/counsel.

I wish you no harm, but am retained to serve my client.

Mark Ledbetter

-----Original Message-----

From: Magee, Marcy D. <MMagee@LewisThomason.com>
To: mark794 <mark794@aol.com>
Sent: Mon, Sep 15, 2014 9:42 am
Subject: RE: Daniel Lovelace and Helen Lovelace, Individually, and as Parents of Brett Lovelace vs. Pediatric Anesthesiologists, P.A.; Babu Rao Paidipalli; and Mark P. Clemons; Case No. 2:13-cv-02289-dkv

Mark-

Will you please agree to withdraw your order & permit us to file our response today based upon my explanation below?

From: Magee, Marcy D.

Sent: Sunday, September 14, 2014 12:03 PM

To: mark794@aol.com

Subject: RE: Daniel Lovelace and Helen Lovelace, Individually, and as Parents of Brett Lovelace vs. Pediatric Anesthesiologists, P.A.; Babu Rao Paidipalli; and Mark P. Clemons; Case No. 2:13-cv-02289-dkv

Importance: High

Mark,

I realize I'm in no position to ask you for a favor & I am very sorry for the confusion on my part. Apparently, we only printed the two motions to exclude experts which you filed on 8/8/14 & that was what I was referring to yesterday when I thought you were saying we hadn't filed a response. The confusion was because I inadvertently had never seen the motion for partial summary judgment filed the same date. I've gone back & confirmed that we did receive the electronic email notification, along with the other electronic emails sent the same date, but for some reason that I can't explain, I overlooked it entirely & it didn't get printed. This is entirely my fault, and not Kim's or anyone else's in my office. I am at a loss for words as to how I could have overlooked this. I would respectfully ask if we could have an extension until Monday to file a response. In 17 years of practice, I don't believe I've ever failed to file a response to a motion or request an extension. You are exactly correct that I did not ask for an extension & it's for no other reason than because I had not seen it until yesterday. Again, this is entirely my mistake. Please let me know if you can provide us with this brief extension. I would greatly appreciate it & certainly owe you a favor in return should the need arise. If you would like to discuss, my mobile number is 827-2565.

Thank you,
Marcy

From: mark794@aol.com [mailto:mark794@aol.com]

Sent: Friday, September 12, 2014 4:27 PM

To: Magee, Marcy D.; melodiekgrem@gmail.com

Cc: Johnson, Kimbrough; bgilmer@hard-law.com; kkoopl@hard-law.com; jpotter@hard-law.com

Subject: Re: Daniel Lovelace and Helen Lovelace, Individually, and as Parents of Brett Lovelace vs. Pediatric Anesthesiologists, P.A.; Babu Rao Paidipalli; and Mark P. Clemons; Case No. 2:13-cv-02289-dkv

Marcy:

From our review of the filings, no such Response was filed, nor was one served upon me by Clemons or your firm. Service of our motion on September 8, 2014, upon you and several members of your firm, was accomplished under the Rules and Local Rules. Your Response for Clemons was due 28 days later, as determined by the Rules 5 and 6. Thus, you are a week late. For service of pleadings upon an attorney who has agreed to accept mail via the ECF system, service is complete upon sending and the date/time of the NEF sent to you and several members and staff of your firm indicate that was done on September 8.

As we served counsel, including several members of your firm as well as staff, you had the pleading and failed to file and serve electronically any timely Response. We've reviewed the docket sheet, see nothing to the contrary, nor have we received any such Response by mail. Had we received such, we would have filed a Reply. A Reply to an unfiled Response is not required. A late Response, absent an extension, is improper.

This should suffice as my response to your email of today. Had you called, asked for an extension as to this or any prior such miscues, and there are several, I'd have said, "Sure." You did not.

I do not understand your email as telling me something that seems true based upon what I know. I wish that I didn't have to write this email.

PML

-----Original Message-----

From: Magee, Marcy D. <MMagee@LewisThomason.com>
To: mark794 <mark794@aol.com>; Melodie Grem <melodiekgrem@gmail.com>
Cc: Johnson, Kimbrough <KJohnson@LewisThomason.com>; Brad Gilmer <bgilmer@hard-law.com>; Karen Koplon <kkoplon@hard-law.com>; Jerry Potter <jpotter@hard-law.com>
Sent: Fri, Sep 12, 2014 3:50 pm
Subject: Fwd: Daniel Lovelace and Helen Lovelace, Individually, and as Parents of Brett Lovelace vs. Pediatric Anesthesiologists, P.A.; Babu Rao Paidipalli; and Mark P. Clemons; Case No. 2:13-cv-02289-dkv

Mark-

We will be filing an objection to your order and requesting appropriate relief as we absolutely filed a timely response. We would request that you withdraw your order immediately. Please advise if you need us to resend our response to you.

Sent from my iPhone

Begin forwarded message:

From: Melodie Grem <melodiekgrem@gmail.com<mailto:melodiekgrem@gmail.com>>
Date: September 12, 2014 at 3:44:53 PM CDT
To: <ECF Judge Lipman@tnwd.uscourts.gov<mailto:ECF Judge Lipman@tnwd.uscourts.gov>>
Cc: Mark Ledbetter <mark794@aol.com<mailto:mark794@aol.com>>, "Johnson, Kimbrough" <kjohnson@lewisthomason.com<mailto:kjohnson@lewisthomason.com>>, "Magee, Marcy D." <mmagee@lewisthomason.com<mailto:mmagee@lewisthomason.com>>, david cook <dcook@hard-law.com<mailto:dcook@hard-law.com>>, Brad Gilmer <bgilmer@hard-law.com<mailto:bgilmer@hard-law.com>>, "jpotter@hard-law.com" <jpotter@hard-law.com<mailto:jpotter@hard-law.com>>, Karen Koplon <kkoplon@hard-law.com<mailto:kkoplon@hard-law.com>>
Subject: Daniel Lovelace and Helen Lovelace, Individually, and as Parents of Brett Lovelace vs. Pediatric Anesthesiologists, P.A.; Babu Rao Paidipalli; and Mark P. Clemons; Case No. 2:13-cv-02289-dkv

Dear Judge Lipman:

Attached is a letter, along with a proposed Order, which is being submitted on behalf of the Plaintiffs for your review, approval and entry with the Court.

Should you need further information, please do not hesitate to contact us.

Thank you.

Melodie K. Grem
Paralegal to Mark Ledbetter
Halliburton & Ledbetter
254 Court Avenue - Suite 305
Memphis, TN 38103
Ph: (901) 523-8153<<tel:%28901%29%20523-8153>>
email: melodiekgrem@gmail.com<mailto:melodiekgrem@gmail.com>

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